1950. File No. Court of Wards II/50 (N)

Legal Dept

B BRANCH

Subject:— Notifications under the Bombay Court of Wards Act 1905 (Bom. I of 1905—

P 4
E

File No. Court of Wards II/50 (N)

Gen. 194

379-B

NOTIFICATION.

Revenue Department,

Bombay Castle March 1950.

The Bombay Court of Wards Act, 1905.

No. . In exercise of the powers conferred by clause (c) of the proviso to section 3 of the Bombay Court of Wards Act, 1905 (Bom. I of 1905), The Government of Bombay is pleased to appoint with effect from the day of 1950, the Collector of Kolhapur, to be a Court of Wards for the areas in the Kolhapur District, comprising the estates of Bavda and Ichalkaranji, specified in the Schedules A and B respectively annexed hereto and to direct that the said areas shall be excluded from the jurisdiction of the Commissioner, Southern Division, who is the Court of Wards of that Division.

to be inserted by R.D.

to be filled in by R.D.

* Schedule A

Bavda Estate.

Taluka	Entire village or Wantas in villages.

to be filled in by R. D.

* Schedule B

Ichalkaranji Estate.

Taluka.	Entire village or Wantas in villages.

By order and in the Governor of Bombay,

Secretary to Government.

GJT: 22.6. 4 ek

OK/2016

Legal Department.

It appears from the papers that the question of the privy purse of the Jahagirdars of Davda and Lcha. Ukarnji is under consideration. This indicates that these Jahagirdars have the status of Indian rulers. P. and S. Department will be able to clarify the position. If they have the status of Indian Rulers as defined in the Constitution, their estates cannot be taken under management by the order of the State Government. (See Entry No. 34 in List I and Entry No. 22 in List II in the Seventh Schedule of the Constitution).

Sd: J.R. Dhurandhar.

13.4.

Additional Secretary to Government.

U.R. to R.D., No. 5048, dated the 13th April 1950.

GJT. 22.6. 4 c.

The question for the consideration of R.L.A. in these papers is whether the estates of the Jahágirdars of Bawda and Ichalkaranjji can be taken under the Court of Wards by the order of the State Government of India in the matter of the fixation of their Privy Purses, in view of the order passes by the Maharaja of Kolhapur on 10.11.1948 withdrawing Civil and Criminal powers from these Jahagirdars and treating them as mere Sarenjamdars with effect from 1st December 1948.

Attention is invited to R.L.A's opinion dated 5th June 1950. As stated in para 6 thereof, these Jahagirdars cannot be described as rulers today within the meaning of the term 'Ruler' as given in clause (22) of Article 366 read with Article 291 of the Constitution of India. Their private property can, therefore, be taken under the Court of Wards by the orders of the State Government but as the question in connection with the fixation of their Privy Purse and the settlement regarding their privat property has been referred to the Government of India, it would be desirable to wait till the Government of India decide that question.

Sd/-
14/6.

Remembrancer of Legal Affairs

U.R. to P. & S.D. No. 8181, dated 15th June 1950.

GJT. 22.6. 4 c.

Legal Department.

On the 15th day of August 1950, by virtue of the coming into force of the Bombay Commissioners (Abolition of Office) Act, 1950, the Collector becomes the Court of Wards for the limits of his district and under sub-section (3) of section 19 of the Bombay Court of Wards Act, it is provided that where the Collector is the Court of Wards, subject to any general or special orders of the State Government, the Court of Wards may exercise all or any of the powers under this Act through an Assistant or Deputy Collector when it may appoint in this behalf. It is therefore, clear that the former provision of the Act contained in sub-section (1) of section 19 of the Act requiring the special sanction of the State Government to the Court of Wards for delegating the powers to any officer not below the rank of Assistant or Deputy Collector is not now available. The proposal of the Collector and Court of Wards in his letter at page 263 which was made under the repealed sub-section 19(1) will no longer be legally feasible as the amendments effected by the Bombay Commissioners (Abolition of Office) Act, 1950, have come into force. The draft Government Resolution at page 275 is not therefore in order. Under sub-section (3) of section 19 it is for the Collector and Court of Wards, Kolhapur, to appoint an Assistant or Deputy Collector for exercising all or any of the powers under the Act

Sd: J.R. Dhurandhar.
23/12.
Additional Secretary to Government.